

## UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

V.

## JUDGMENT IN A CRIMINAL CASE

ALEX RODRIGUEZ

Case Number: 04 CR. 1145 - 01 (BSJ)

USM Number: 56706-054

David M. Blum

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) One (1)☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section

18 U.S.C. §371

Nature of Offense

Conspiracy to Commit Copyright Infringement

Offense Ended

August 2004

Count

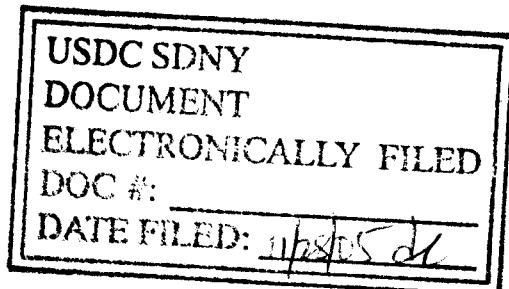
1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

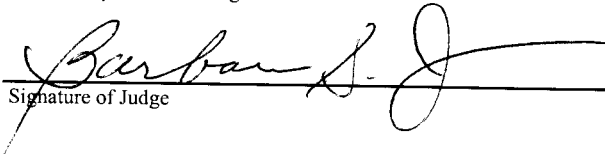
☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

X Count(s) any open ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/18/2005

Date of Imposition of Judgment

  
Signature of JudgeHon. Barbara S. Jones, U.S.D.J.

Name and Title of Judge

11/27/05  
Date

DEFENDANT: ALEX RODRIGUEZ  
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## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**Thirty-seven (37) months**

- ☒ The court makes the following recommendations to the Bureau of Prisons:  
It is recommended that the defendant be housed in a facility, consistent with his designation, as close to the New York metropolitan area as possible to allow his family to visit.
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ a \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☒ before 2 p.m. January 3, 2006.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ALEX RODRIGUEZ  
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### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

**Three (3) years**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **ADDITIONAL SUPERVISED RELEASE TERMS**

The defendant shall provide the probation officer with access to any requested financial information.

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.

The defendant is to report to the nearest Probation Office within 72 hours of release from custody.

It is recommended that the defendant be supervised by the district of residence.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100	\$	\$ 970,864.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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See attachment for Victims  
and loss amounts.

TOTALS	\$ _____ 0	\$ _____ 0
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
X in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

**Restitution shall be paid in monthly installments of 10% of defendant's gross monthly income over a period of supervision to commence thirty (30) days after the release from custody. The defendant shall notify the United States Attorney for this district within thirty (30) days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

X The defendant shall forfeit the defendant's interest in the following property to the United States:

**A sum of money equal to \$1,100,000, representing the proceeds obtained as a result of the charged copyright infringement offenses.**

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

## Restitution Chart, US v. Rodriguez, 04 Cr. 1145 (BSJ)

Company	Contact Info	Amount Based on Government's Estimates
Ableton	Schönhauser Allee 6-7 D-10119 Berlin Germany	\$4,191
Adobe Systems, Inc.	345 Park Ave. San Jose, CA 95110	\$103,074
Ahead Software, Inc.	330 N. Brand Blvd., Ste 695 Glendale, CA 91203-2335	\$100
Alias	210 King Street East, Toronto, Ontario, CANADA M5A 1J7	\$306,447
Alien Skin Software, LLC	1111 Haynes Street, Suite 113 Raleigh, NC 27604	\$79
Allume Systems Inc.	245 Westridge Drive Watsonville, CA 95076	\$170
Alsoft, Inc.	P.O. Box 927 Spring, TX 77383-0927	\$80
Apple Computer, Inc.	1 Infinite Loop Cupertino, CA 95014	\$43,042
Artel Software, Inc.	381 Congress St. Boston, MA 02210	\$8,740
Auto FX	141 Village St. Suite 2 Birmingham, AL 35242	\$150
Autodesk	111 McInnis Parkway San Rafael, CA 94903	\$138,294
Avid Technology, Inc.	Avid Technology Park One Park West Tewksbury, MA 01876	\$27,759
Bentley Systems, Inc.	685 Stockton Drive Exton, PA 19341	\$4,795
Best Software, Inc.	8800 N. Gainey Center Dr. Suite 200 Scottsdale, AZ 85258	\$1,993
Borland Software Corp.	Attn: Legal Dept. 20450 Stevens Creek Blvd, Cupertino, CA 95104	\$11,099
Broderbund	c/o Riverdeep 100 Pine St., Suite 1900 San Francisco, CA 94111	\$510
Business Objects	3030 Orchard Parkway San Jose, CA 95134	\$199
Cakewalk	268 Summer St. Boston, MA 02210	\$2,501
Caligari Corp.	1959 Landings Drive Mountain View, CA 94043	\$150
Cisco Systems, Inc.	170 West Tasman Dr. San Jose, CA 95134	\$2,495

## Restitution Chart, US v. Rodriguez, 04 Cr. 1145 (BSJ)

Company	Contact Info	Amount Based on Government's Estimates
Corel Corp.	1600 Carling Avenue Ottawa, Ontario Canada K1Z 8R7	\$10,074
Curious Labs, Inc.	655 Capitola Road Suite 200 Santa Cruz, CA 95062	\$2,859
CyberLink USA	46750 Fremont Blvd Suite 200 Fremont, CA 94538	\$130
Dantz Development Corp.	3003 Oak Road, 3rd Floor Walnut Creek, CA 94597	\$50
DataViz, Inc.	Merritt Corporate Woods 612 Wheelers Farms Road Milford, CT 06460	\$70
DAZ Productions, Inc.	1350 E. Draper Parkway Draper, UT 84020	\$720
DigiDesign	2001 Junipero Serra Blvd. Daly City, CA 94014-3886	\$1,485
El Technology Group, LLC	20770 Hwy 281 North Suite 108-414 San Antonio, Texas 78258-7500	\$258
Electric Rain, Inc.	5171 Eldorado Springs Dr. Boulder, CO 80303	\$358
e-on software, inc.	6107 SW Murray Blvd. #264 Beaverton, OR 97008	\$199
Executive Software	7590 North Glenoaks Blvd. Burbank, CA 91504	\$50
Extensis, Inc.	1800 SW First Avenue Suite 500 Portland, OR 97201	\$800
Final Draft, Inc.	26707 W. Agoura Rd., Suite 205 Building B, 2nd floor Calabasas, CA 91302	\$2,716
FrontRange Solutions	6701 Koll Center Parkway Suite 250 Pleasanton, CA 94566	\$645
Graphisoft	One Gateway Center, Suite 302 Newton, MA 02458	\$7,900
IBM Corp.	1133 Westchester Avenue White Plains, NY 10604	\$319
IK Multimedia Production srl	Via dell'Industria, 46 41100 Modena ITALY	\$299
Image Line Software BVBA	Kortrijksesteenweg 281 B-9830 Sint-Martens-Latem Belgium	\$695
Individual Software, Inc.	4255 Hopyard Road, #2 Pleasanton, CA 94588	\$83



## Restitution Chart, US v. Rodriguez, 04 Cr. 1145 (BSJ)

Company	Contact Info	Amount Based on Government's Estimates
Intuit, Inc.	2632 Marine Way Mountain View, CA 94043	\$7,119
Jasc	7905 Fuller Road Minneapolis, MN 55344	\$500
Kroll Ontrack, Inc.	9023 Columbine Road Eden Prairie, MN 55347	\$998
LizardTech, Inc.	The National Building Suite 200 1008 Western Avenue Seattle, WA 98104	\$159
Macromedia, Inc.	Chris Stickle Sr. Investigator, Anti-Piracy Macromedia, Inc. 99 Rhode Island St. San Francisco, CA 94103	\$67,761
MAGIX Entertainment Corp.	1680 Michigan Avenue #900 Miami Beach, FL 33139	\$549
MakeMusic! Inc.	6210 Bury Drive Eden Prairie, MN 55346-1718	\$3,600
Maxon Computer	2640 Lavery Court Suite A Newbury Park, CA 91320	\$3,390
Micromat, Inc.	1055 West College Ave. #333 Santa Rosa, CA 95401	\$462
Microsoft Corp.	Evelyn Blackwell, Restitution Manager, One Microsoft Way Redmond, WA 98052	\$80,196
MOTU, Inc. (Mark of the Unicorn)	1280 Massachusetts Ave. Cambridge, MA 02138	\$3,975
MYOB US, Inc.	300 Roundhill Dr. Rockaway, NJ 07866	\$299
Native Instruments USA	5631 A Hollywood Boulevard, Los Angeles, CA 90028	\$1,416
Nemetschek AG	Nemetschek AG Konrad-Zuse-Platz 1 D-81829 München Germany	\$4,015
Network Associates	McAfee, Inc. 3965 Freedom Circle Santa Clara, CA 95054	\$180
NewTek, Inc.	5131 Beckwith Blvd. San Antonio, TX 78249	\$5,680
Novell, Inc.	404 Wyman Street, Suite 500 Waltham, MA 02451	\$368
Palo Alto Software, Inc.	144 E. 14th Ave. Eugene, OR 97401	\$100
Pinnacle Systems, Inc.	280 North Bernardo Ave. Mountain View, CA 94043	\$29,074

## Restitution Chart, US v. Rodriguez, 04 Cr. 1145 (BSJ)

Company	Contact Info	Amount Based on Government's Estimates
Pixologic, Inc.	320 West 31st Street Los Angeles, CA 90007	\$489
Propellerhead Software	Propellerhead Software Rosenlundsgatan 29c S-118 63 Stockholm Sweden	\$6,040
Quark, Inc.	1800 Grant St. Denver, CO 80203	\$24,444
Rdestiny LLC	3 East Laurel Millstadt, IL 62260	\$40
RealNetworks, Inc.	PO Box 91123 Seattle, WA 98111-9223	\$200
Right Hemisphere	39355 California St. Suite 201 Freemont, CA 94538	\$4,165
Robert McNeel & Associates	3670 Woodland Park Avenue North Seattle, WA 98103	\$5,675
Robin Hood Software Ltd.	c/o Bostockwhite Cabourn House, Station Street Bingham, Nottinghamshire, NG13 8AQ United Kingdom	\$300
Roxio, Inc.	455 El Camino Real Santa Clara, CA 95050	\$710
ScanSoft, Inc.	9 Centennial Drive Peabody, MA 01960	\$6,529
Sibelius USA Inc.	1407 Oakland Blvd Suite 103 Walnut Creek, CA 94596	\$1,198
SlySoft	Dickenson Bay Street John Henry Building St. Johns, Antigua (West Indies)	\$195
SmartSound Software, Inc.	8550 Balboa Blvd., Suite 180 Northridge, CA 91325	\$299
Solidworks Corp.	300 Baker Avenue Concord, MA 01742	\$3,995
Sonic Foundry, Inc.	222 West Washington Ave. Suite 775 Madison, WI 53703	\$39
Sony Corporation of America	550 Madison Avenue New York, NY 10022	\$7,996
Sorenson Media	4393 South Riverboat Road Suite 300 Salt Lake City, UT 84123	\$99
Steinberg	Pinnacle Systems, Inc. 280 North Bernardo Ave. Mountain View, CA 94043	\$3,000
Symantec	20330 Stevens Creek Blvd. Cupertino, CA 95014	\$1,569

## Restitution Chart, US v. Rodriguez, 04 Cr. 1145 (BSJ)

Company	Contact Info	Amount Based on Government's Estimates
Synthetik Software, Inc.	Seven Waterfront Plaza 500 Ala Moana Boulevard, Suite 400 Honolulu, HI 96813	\$758
TASCAM	7733 Telegraph Road Montebello, CA 90640	\$499
Toon Boom Animation, Inc.	7 Laurier Avenue East Montreal, Quebec, Canada H2T 1E4	\$1,845
Ulead Systems	20000 Mariner Ave. Suite #200 Torrance, CA 90503	\$643
Visiosonic Ltd.	1881 A Drew Street Clearwater, Florida 33765	\$400
Website Pros	12735 Gran Bay Parkway West Building 200 Jacksonville, FL 32258	\$100
Wolfram Research, Inc.	100 Trade Center Drive Champaign, IL 61820-7237	\$1,880
Write Brothers Inc.	138 North Brand Boulevard, Suite 201 Glendale, CA 91203	\$538
YukonSoft Corp.	P.O. Box 485 Yukon, PA 15698	\$1,800
<b>TOTAL:</b>		<b>\$970,864</b>